

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**DEVON LEE ET AL**

**PLAINTIFFS**

**v.**

**Civil No. 1:23-cv-286-HSO-BWR**

**ALLEN AUTOMOTIVE, INC. ET AL**

**DEFENDANTS**

**ORDER GRANTING DEFENDANT MERCEDES-BENZ FINANCIAL  
SERVICES USA, LLC'S MOTION [3] TO DISMISS**

This matter comes before the Court on Mercedes-Benz Financial Services USA, LLC's Motion [3] to Dismiss. Defendant Mercedes-Benz Financial Services USA, LLC's Motion [3] asserts that Plaintiffs Devon Lee and Tara Kole's ("Plaintiffs") Complaint does not state a claim against it and instead erroneously names Mercedes-Benz Financial Services USA, LLC as a defendant under Federal Rule of Civil Procedure 19. In their Response [12] to Mercedes-Benz Financial Services USA, LLC's Motion [3] to Dismiss, Plaintiffs state:

Based on the fact that Defendant Allen Automotive, Inc. dba J. Allen Toyota has filed a motion to compel arbitration [8] to which Plaintiffs will not object, Plaintiffs will not contest this motion so long as the Defendant MBFS is dismissed without prejudice. Plaintiffs believe MBFS is a necessary party to which should be in the same case Plaintiffs intend to bring a claim against them in the arbitration. Thus, Plaintiffs will not object to the dismissal of Defendant MBFS without prejudice in this matter.

Based on the foregoing, the Court will grant the Motion [3] to Dismiss as unopposed and dismiss claims against Defendant Mercedes-Benz Financial Services USA, LLC without prejudice.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, Defendant Mercedes-Benz Financial Services USA, LLC's Motion [3] to Dismiss is **GRANTED**, and Plaintiffs Devon Lee and Tara Kole's claims against Defendant Mercedes-Benz Financial Services USA, LLC are **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED** this the 30th day of January, 2024.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE